

# House File 191 - Introduced

HOUSE FILE 191

BY FRY

## A BILL FOR

- 1 An Act relating to visitation restrictions applicable to
- 2 nursing facilities during a national public health emergency
- 3 or public health disaster.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.1, Code 2021, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 13A. "*National public health emergency*"  
4 means a public health emergency declared by the secretary of  
5 the United States department of health and human services  
6 pursuant to section 319 of the federal Public Health Services  
7 Act, Pub. L. No. 104-321, 42 U.S.C. §247d.

8 NEW SUBSECTION. 18A. "*Public health disaster*" means the  
9 same as defined in section 135.140.

10 NEW SUBSECTION. 23A. "*State agency*" means any executive,  
11 judicial, or legislative department, commission, board,  
12 institution, division, bureau, office, agency, or other entity  
13 of state government.

14 Sec. 2. NEW SECTION. 135C.24A **National public health  
15 emergency — public health disaster — visitation restrictions —  
16 residents of nursing facilities.**

17 1. Subject to all applicable laws and regulations,  
18 including regulations of the centers for Medicare and Medicaid  
19 services of the United States department of health and  
20 human services, if a national public health emergency or a  
21 public health disaster is declared resulting in restrictions  
22 on in-person, indoor visitation with residents of nursing  
23 facilities, the department shall take under advisement the  
24 opinion and insight of the state long-term care ombudsman  
25 or the state long-term care ombudsman's designee, prior to  
26 issuing any guidance restricting visitation relating to the  
27 national public health emergency or public health disaster.  
28 The state long-term care ombudsman or the state long-term  
29 care ombudsman's designee shall advocate on behalf of nursing  
30 facility residents to continue in-person, indoor visitation  
31 during the national public health emergency or public health  
32 disaster, subject to the health and safety considerations of  
33 all residents of the nursing facility.

34 2. Pursuant to section 231.42, the office of long-term  
35 care ombudsman shall accept, investigate, verify, and work

1 to resolve complaints relating to any action or inaction by  
2 a nursing facility relating to nursing facility resident  
3 visitation restrictions during a national public health  
4 emergency or public health disaster.

5 3. If, during a national public health emergency or public  
6 health disaster, the department responds to a complaint against  
7 a nursing facility or an employee of a nursing facility which  
8 relates to nursing facility resident visitation restrictions,  
9 and the complaint was referred to the department by the office  
10 of long-term care ombudsman, the department shall forward to  
11 the office of long-term care ombudsman copies of all related  
12 inspection reports, plans of correction, and notices of any  
13 citations or sanctions levied against the nursing facility.

14 4. This section shall not be construed to instruct or  
15 require the department or any other state agency to violate  
16 state or federal law or any rules or regulations adopted or  
17 promulgated under such law.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill relates to visitation restrictions applicable to  
22 nursing facilities during a national public health emergency or  
23 public health disaster.

24 The bill provides definitions for "national public health  
25 emergency", "public health disaster", and "state agency" for  
26 purposes of the bill.

27 The bill requires, subject to all applicable laws and  
28 regulations, that if a national public health emergency or a  
29 public health disaster is declared resulting in restrictions  
30 on the in-person, indoor visitation with residents of nursing  
31 facilities, the department of inspections and appeals (DIA)  
32 shall take under advisement the opinion and insight of the  
33 state long-term care ombudsman (SLTCO) or the SLTCO's designee,  
34 prior to issuing any guidance restricting visitation relating  
35 to the national public health emergency or public health

1 disaster. The SLTCO or SLTCO's designee shall advocate on  
2 behalf of nursing facility residents to continue in-person,  
3 indoor visitation during the national public health emergency  
4 or public health disaster, subject to the health and safety  
5 considerations of all residents of the nursing facility.

6 The bill requires the office of long-term care ombudsman  
7 (OLTCO) to accept, investigate, verify, and work to resolve  
8 complaints relating to any action or inaction by a nursing  
9 facility relating to nursing facility resident visitation  
10 restrictions during a national public health emergency or  
11 public health disaster; and DIA shall share with the OLTCO  
12 copies of all related inspection reports, plans of correction,  
13 and notices of any citations or sanctions levied against a  
14 nursing facility if DIA responds to a complaint against a  
15 nursing facility or an employee of a nursing facility which  
16 relates to nursing facility resident visitation restrictions  
17 during a national public health emergency or public health  
18 disaster, and the complaint was referred to the department by  
19 the OLTCO.

20 The bill is not to be construed to instruct or require DIA or  
21 any other state agency to violate state or federal law or any  
22 rules or regulations adopted or promulgated under such law.